

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

November 14, 2013

Council Chambers

MEMBERS PRESENT: Michael Shuman, Bill Petros, Ken Martis, William Wyant, Carol Pyles, Tim Stranko, and Bill Kaweck, Sam Loretta

MEMBERS ABSENT: Peter DeMasters

STAFF: Christopher Fletcher, AICP

I. CALL TO ORDER/ROLL CALL: Pyles called the meeting to order at 6:30 PM and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. GENERAL PUBLIC COMMENTS: None

III. MATTERS OF BUSINESS:

A. Approval of the September 12, 2013 meeting minutes: Stranko moved to approve the minutes from the September 12, 2013 hearing with corrections; seconded by Martis. Motion carried unanimously with Loretta abstaining due to absence.

IV. OLD BUSINESS: None.

V. NEW BUSINESS:

A. MNS13-21 / BB&T Corporation / 496 High Street: Request by Rich Lane, on behalf of Hometown Development and Branch Banking and Trust Company (BB&T), for minor subdivision approval of property located at 496 High Street; Tax Map 26, Parcels 104 through 116; B-4, General Business District.

Fletcher read the Staff Report stating that as a part of the petitioner's proposed redevelopment of the subject site for construction of a BB&T bank branch and CVS Pharmacy, the petitioner seeks to combine and reconfigure Parcels 104 through 116 of Tax Map 26 into two (2) parcels. Addendum A of this report illustrates the location of the subject site.

The following table illustrates the proposed geometry of the two (2) parcels illustrated on the preliminary plat along with related minimum standards. [refer to Staff Report for referenced table]

As illustrated above [refer to Staff Report for referenced table], the proposed subdivision exceeds the minimum area, frontage, and depth standards for the B-4 District.

Fletcher noted the petitioner requested Staff to represent the petition and then asked if the Commission had any questions.

Martis referred to the map provided in the Staff Report and asked if buildings would be razed or if they are being reconfigured with the proposed development. Fletcher explained that the existing drive-thru facility at the corner of Spruce Street and Willey Street will be demolished and a new BB&T branch bank building will be constructed in its place. The existing building at 466 High Street will be demolished. An addition to the existing three-story BB&T building at the corner of High Street and Willey Street will be constructed and the existing parking lot will be shifted to where the 466 High Street building will be razed and removed. The deeds for both properties will have covenants and easements addressing access, etc.

Martis asked if additional drive thru areas will be constructed. Fletcher explained that CVS will not have a drive thru and the BB&T branch bank building will have half of the drive thru lanes currently existing now. The driveway entrance off of Willey Street will change to be ingress only. The two-way entrance on High Street will remain and the two-way entrance off of Spruce Street will remain as well.

Martis asked when the construction is expected to be complete. Fletcher stated the project will happen in phases and did not know the final delivery date.

Stranko asked if this development would be considered a DSI [Development of Significant Impact]. Fletcher explained that both proposed projects individually will not exceed the 15,000 square foot threshold to qualify as a DSI, however the two developments have and will continue to consult with the Design Review Committee regarding aesthetics and the signage.

Stranko asked who the Design Review Committee consisted of and if it was open to the public. Fletcher explained it is a standing sub-committee of the Planning Commission and that the meetings are open to the public.

Stanko felt the proposed project should be a DSI even though the square footage will not meet the requirement and suggested it was time to look at the DSI thresholds and make some accommodations based on location or other factors.

Kawecki noted that the intersection on North Spruce Street and Willey Street does not allow for easy passage of emergency vehicles and asked for consideration in improving the intersection. Fletcher stated he would express the concerns to the City Engineer for review.

Kawecki asked if considerations were made to provide a drive thru for CVS. Fletcher explained there was not room to add a drive thru as the area will be used for parking spaces and that CVS wanted to focus on walk-in customers.

Petros asked if the parking area for CVS and BB&T would possibly allow for traffic to cut through from Spruce Street to High Street. Fletcher explained the proposed plan does allow the possibility for thru traffic. The City has expressed concerns to the developers who agreed that if the traffic pattern does become a problem then the area could be closed to thru traffic.

Loretta asked if the bank would continue services to the public during construction. Fletcher confirmed and explained the building would be constructed in phases to allow for services to be uninterrupted using a modular drive thru building during the construction of the bank branch building.

There being no further comments or questions by the Commission, Pyles opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being no public comments, Pyles declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above

Stranko moved to approve minor subdivision petition MNS13-21 as requested with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

B. MNS13-22 / Lewis / 3431 Collins Ferry Road: Request by Terry Lewis for minor subdivision approval of property located at 3431 Collins Ferry Road; Tax Map 53, Parcels 127 and 171; R-1, Single-Family Residential District.

Loretta recused himself due to a prior relationship with the petitioner.

Fletcher read the Staff Report stating that the petitioner seeks to raze and remove the existing single-family and detached garage structures and subdivide Parcel 127 of Tax Map 53 into two (2) new parcels so that two (2) new single-family structures may be constructed. Addendum A of this report illustrates the location of the subject site.

Parcel 127 is approximately 15,940 square feet in area and has approximately 64 feet of frontage along Collins Ferry Road. The proposed subdivision will result in two (2) parcels, each having an approximate area of 7,970 square feet, which will exceed the minimum lot area standard of 7,200 square feet in the R-1 District. It should be noted that the existing parent parcel is considered nonconforming because its width is less than the minimum 70 feet required in the R-1 District.

Pyles recognized the petitioner, Terry Lewis, who concurred with the Staff Report and explained he would be constructing an approximate 2,600 square feet home on the newly created parcel.

Petros asked what the width of the lot would be to allow for the driveway behind the house. Lewis explained the driveway would be approximately 12 feet in width and would be located to the left of each property.

There being no further comments or questions by the Commission, Pyles opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being no public comments, Pyles declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval with the following conditions:

1. That each of the parcels must have an area of at least 7,200 square feet;
2. That the final plat illustrate minimum R-1 setback building envelopes for each of the parcels;
3. That the final plat illustrate and describe an access and utility easement no less than 20 feet in width that connects the rear parcel across the front parcel to Collins Ferry Road.
4. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature;
5. That the final plat may not be recorded until after the existing structures are razed and removed.
6. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Martis stated that bigger lots exist in that area with frontage along the road and noted that other developers would have the capability to develop more lots such as this under the conditions listed. Fletcher agreed and stated there have been other properties along Collins Ferry Road that have divided their parcels in order to develop an additional buildable parcel behind the existing parcel.

Martis expressed favor in this type of development as it increases housing stock without increasing accesses.

Kawecki agreed the lot would be deep enough but expressed concerns in how it will affect the surrounding existing homes on well cared lots. He did not feel this was the best approach to the area.

Petro expressed concerns with placing a structure behind an existing house and did not feel this type of development would fit into the consistency of an R-1 neighborhood.

Wyant asked Fletcher to confirm that the property would be used in an appropriate and legal manner within the R-1 District. Fletcher stated the Commission's consideration of this petition would be considered a ministerial decision and explained that density within that district is controlled by minimum lot sizes and setback requirements. Houses are to be built within the building envelopes for the R-1 District.

Stranko agreed and stated that as much as the Commission wants to influence the way a property is handled, it can only be done within the boundaries of the law and he did not know of any provisions within the Planning and Zoning Code that would intervene with how the petitioner wants to develop his property.

Petros asked if a waiver would have to be granted for a frontage deviation from the R-1 District. Fletcher stated a waiver would not have to be granted because it is an existing condition that will not be reduced nor with the extent of the nonconforming parcel width. The petitioner will have to grant an easement across the front which will not reduce the width of the existing parcel, which is less than 64 feet.

Stranko noted that density issues are going to occur with the population growth that is projected in the 2014 Comprehensive Plan. He suggested that the Commission can have the Planning and Zoning Code provide some provisions in the future towards stated concerns but has limited discretion on telling someone how to configure their parcel.

Martis expressed favor in the way the parcels would be configured and wants to see the City grow and expand.

Stranko moved to approve minor subdivision petition MNS13-22 as requested with Staff recommended conditions; seconded by Martis. Motion passed 5-2 with Petros and Kawecky voting nay.

Lewis asked to approach the podium and stated that his only concern with this property is to upgrade the area around it. He stated he is a high class builder and his work is very reputable.

Pyles advised Lewis that the Commission's decision can be appealed to Circuit Court within thirty days of its decision and that any work related to the Commission's decision during this period would be at the sole financial risk of the petitioner.

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission: Wyant stated the Traffic Commission will be holding workshops to evaluate the roles and activities they should be engaged in and the way they should operate as a part of the planning and development mechanism. He reminded members that December would be his last month on the Planning Commission and suggested that a representative from the Planning Commission become involved as an interim member of the Traffic Commission so they can assist and be involved in discussions and developments. Fletcher stated he would include the nomination of a Traffic Commission representative on the December 2013 Planning Commission agenda.
- Green Team: No report.

- B. Staff Comments:** Fletcher stated that the Planning Commission President Peter DeMasters has, in accordance with the Planning Commission's Bylaws, duly called a workshop that will immediately follow the Commission's business meeting. The purpose of the workshop will be to study the prioritization of strategies identified in the 2013 Comprehensive Plan. Workshops are not considered regular or special meetings and may not include the formal conduct of business, the rendering of decisions, or taking action for which the Commission is charged. Workshops are open to the public and are intended to serve as training, study, public education, etc.

VII. FOR THE GOOD OF THE COMMISSION:

Stranko noted there have been many comments made around town regarding the proposed Sheetz development along University Avenue and asked Fletcher if that development is considered a Development of Significant Impact (DSI). Fletcher stated that a DSI is

determined by the square footage of gross floor area. Stranko suggested the Commission ask the Staff to consider other criteria as qualifications for reviews of DSI site plans such as location and lot size rather than just measuring the footprint of the building.

Wyant noted that zoning is a way of defining what is permitted in certain areas.

Stranko understood and stated he is not suggesting that every development go before the Planning Commission but there are certain developments that are located within heavily traveled areas or significant to urban aesthetic and the public is entitled to have knowledge and provide input on these developments.

Fletcher referred to the Planning and Zoning Code and read over the different types of site plans.

Stranko asked why Sheetz would not be considered a DSI. Fletcher explained that Sheetz is a commercial development and the structure would have to be 15,000 square feet of gross floor area or larger to qualify as a DSI. The site is an entire City block but only the area under roof would be considered gross floor area.

Loretta asked if more provisions could be made in the Planning and Zoning Code to the qualifications of Development of Significant Impact. Fletcher stated the Commission could request Staff to review the DSI thresholds. Fletcher noted that at one time, the Planning Commission used reviewed all developments. It appears that the present thresholds for Planning Commission review and approval were enacted to distinguish between administrative required approvals and Planning Commission required approvals.

Martis suggested provisions be changed to only include the downtown B-4 District. He noted the proposed projects should be a democratic process and open to the public.

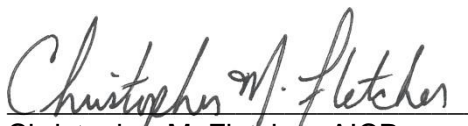
It was agreed upon by the Commissioners request Staff to conduct a review of the criteria required for a DSI and report back with information at the December meeting. Fletcher agreed to provide preliminary research and suggestions at the December meeting but will not be prepared to provide changes as he will need direction from the City Manager's Office.

VIII. ADJOURNMENT: 7:43 PM

MINUTES APPROVED:

December 12, 2013

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP